

**DISSENTING STATEMENT OF  
COMMISSIONER KEVIN J. MARTIN**

*Re: TCI Cablevision of New Mexico, Inc., Memorandum Opinion and Order (CSR 5654-A); TCI Cablevision of New Mexico, Inc., Memorandum Opinion and Order (CSR 5623-A, CSR 5598-M); and Comcast Cablevision of New Mexico, Inc., Memorandum Opinion and Order (CSR 5508-A, CSR 5486-M)*

Each of these cases involves a cable operator's effort to take a religious broadcasting station, Prime Time Christian Broadcasting, "out" of its market so that it does not need to carry the religious programming pursuant to the statutory and regulatory must carry regime. In each case, the PTCB station at issue is in the same DMA as the cable operator, which ordinarily would guarantee it must carry rights on the cable system.

Congress provided a mechanism for adjusting a given market to "better effectuate the purposes" of the must carry regime.<sup>1</sup> The statute instructs the FCC to focus on "the value of localism" in making the market-adjustment decisions, including whether the station provides "local service" to the community at issue.<sup>2</sup> In each of these cases, PTCB provides an important local service to its community that these Orders refuse to recognize, and thus I dissent to each. I view televising local church services, for example, or providing the only Spanish-language religious broadcasting to the significant Spanish-speaking population, or creating a highly popular religious talk show hosted by a local citizen as providing a significant local service to the community that the Commission should value greatly when deciding whether to deny cable carriage to a local station.

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<sup>1</sup> 47 U.S.C. §534(h)(1)(C).

<sup>2</sup> *Id.*